

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 9, 2001

IN RE:

RBS GAS UTILITY, INC.

ACTUAL COST ADJUSTMENT (ACA) AUDIT

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Docket No. 01-00287

**NOTICE OF FILING BY THE ENERGY AND WATER DIVISION OF THE
TENNESSEE REGULATORY AUTHORITY**

Pursuant to Tenn. Code Ann. §§ 65-4-104, 65-4-111 and 65-3-108, Energy and Water Division of the Tennessee Regulatory Authority (the "Energy and Water Division") hereby gives notice of its filing of the RBS Gas Utility, Inc., ACA Audit Report in this docket and would respectfully state as follows:

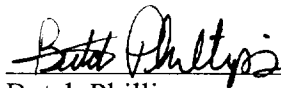
1. The present docket was opened by the Authority to hear matters arising out of the audit of RBS Gas Utility, Inc. (the "Company").
2. The Company's ACA filing was received on April 3, 2001 and the Staff completed its audit of same on August 8, 2001.
3. On August 8, 2001, the Energy and Water Division issued its preliminary ACA audit findings to the Company, and on August 8, 2001, the Company responded thereto.
4. The preliminary ACA audit report was modified to reflect the Company's responses and a final ACA audit report (the "Report") resulted therefrom. The Report is

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attached hereto as Exhibit A and is fully incorporated herein by this reference. The Report contains the audit findings of the Energy and Water Division, the Company's responses thereto and the recommendations of the Energy and Water Division in connection therewith.

5. The Energy and Water Division hereby files its Report with the Tennessee Regulatory Authority for deposit as a public record and approval of the recommendations and findings contained therein.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Butch Phillips", is written over a horizontal line.

Butch Phillips
Energy and Water Division of the
Tennessee Regulatory Authority

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August 2001 a true and exact copy of the foregoing has been either hand-delivered or delivered via U.S. Mail, postage pre-paid, to the following persons:

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Mr. W.E. Hathorn
President
RBS Gas Utility, Inc.
PO Box 759
Prentiss, MS 39474



Butch Phillips

RBS GAS UTILITY, INC.

**COMPLIANCE AUDIT REPORT OF
ACTUAL COST ADJUSTMENT**

Docket #01-00287

PREPARED BY:
TENNESSEE REGULATORY AUTHORITY
ENERGY AND WATER DIVISION

AUGUST, 2001



RBS GAS UTILITY, INC.
COMPLIANCE AUDIT REPORT OF
ACTUAL COST ADJUSTMENT

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I. **JURISDICTION AND POWER OF THE TENNESSEE REGULATORY AUTHORITY**

Tennessee Code Annotated (T.C.A.) §65-4-104 gave jurisdiction and control over public utilities to the Tennessee Public Service Commission. By virtue of Chapter 305 of the Public Acts of 1995, jurisdiction and control over public utilities was transferred from the Tennessee Public Service Commission to the Tennessee Regulatory Authority (the “TRA” or “Authority”) on July 01, 1996. T.C.A. §65-4-104 states that:

The Authority shall have general supervision and regulation of, jurisdiction, and control over, all public utilities...

T.C.A. states further in §65-4-111 that the public utilities are to maintain a Uniform System of Accounts:

The Authority shall have the power after hearing, upon notice, by order in writing to require every public utility... to keep its books, records, and accounts so as to afford an intelligent understanding of the conduct of its business, and to that end to require every public utility of the same class to adopt a uniform system of accounting. Such system shall conform, where applicable to any system adopted or approved by the Interstate Commerce Commission of the United States. And to furnish annually, or at other times as the Authority may require, a detailed report of finances and operations as shown by said system of accounts.

The TRA responded to T.C.A. §65-4-111 by establishing its own rule 1220-4-1-1.11 regarding the uniform system of accounts which public utilities should maintain. The TRA's rule provides:

The following uniform system of accounting will be followed by utilities and other companies making periodic reports to the Authority:

1. For Classes A and B gas companies - Uniform System of Accounts as adopted by the National Association of Regulatory Utility Commissioners as revised June 30, 1972, and any amendments or revisions pertaining thereto.

The TRA received its authority to examine the books and records of public utilities from T.C.A. §65-4-105 which states that the TRA would possess all the other powers conferred on the TRA. T.C.A. §65-3-108 gives the TRA:

full power to examine the books and papers of the said companies, and to examine, under oath, the officers, agents, and employees of said companies...to procure the necessary information to intelligently and justly discharge their duties and carry out the provisions of this chapter and chapter 5 of this title.

II. PURPOSE OF COMPLIANCE AUDITS

The two basic reasons for compliance audits are to assure compliance with the Uniform System of Accounts (USOA) and to assure that the utility is following all rules, regulations and directives adopted by the TRA.

Compliance audits provide the foundation of assurance underlying the basic objective of regulatory accounting, which is to provide a uniform method of recording transactions among similar companies. This uniform record keeping is accomplished through the adoption of the USOA and insures the integrity, reliability, and comparability of the financial data contained in financial reports filed with the TRA, which provides the TRA with one of its most useful regulatory tools for establishing just and reasonable rates.

III. DESCRIPTION OF PURCHASED GAS ADJUSTMENT (PGA) RULE

The Tennessee Regulatory Authority issued an Order in Docket No. G-86-1, which adopted a new PGA rule beginning July 1, 1992. The PGA Rider is intended to permit the Company to recover, in a timely fashion, the total cost of gas purchased for delivery to its customers and to assure that the Company does not over-collect or under-collect gas costs from its customers. This PGA consists of three major components:

- 1) The Actual Cost Adjustment (ACA)**
- 2: The Gas Charge Adjustment (GCA)**
- 3) The Refund Adjustment (RA)**

The ACA is the difference between the revenues billed customers by means of the GCA and the cost of gas invoiced the Company by suppliers plus margin loss (if allowed by order of the TRA in another docket) as reflected in the Deferred Gas Cost account. The ACA then "true-up" the difference between the actual gas costs and the gas costs recovered from the customer through a surcharge or a refund. The RA refunds the "true-up" along with other supplier refunds.

For a more complete definition of the GCA and RA, please see the PGA Formula in Appendix A.

IV. **AUDIT TEAM**

The TRA's Energy and Water Division is responsible for conducting ACA audits. The audit was conducted by Butch Phillips of the Energy and Water Division.

V. **OBJECTIVE AND SCOPE OF AUDIT**

The order for Docket G-86-1 required that the Company

each year...shall file with the Authority an annual report reflecting the transactions in the Deferred Gas Cost Account. Unless the Authority provides written notification to the Company within one hundred eighty (180) days from the date of filing the report, the Deferred Gas Cost Adjustment Account shall be deemed in compliance with the provisions of this Rule...

The objective of this audit was to determine that Purchased Gas Adjustments, which are encompassed by the ACA and were described earlier, approved by the TRA during the period from March 1, 2000, to February 28, 2001, had been calculated correctly and were supported by appropriate source documentation. To accomplish this task, the Staff conducted in-house audit work, during which the Company's calculations of gas costs incurred and gas costs recovered were tested.

The Staff also audited a sample of customer bills to determine if the proper PGA rates were being applied in the Company's calculation of the customers' bills. These bills were selected to be representative of the residential, commercial, industrial and interruptible customers in each of the Company's service areas. The sample was selected from all twelve months of the audit period. After recalculating each sample bill, the Staff discovered several errors in the Company's calculations in deriving the amount on each bill from the March 2000 through October 2000 billing periods.

The Staff's last ACA audit of RBS Gas Utility, Inc. was conducted in 2000 covering the period from March 1, 1999 to February 28, 2000.

VI. BACKGROUND INFORMATION ON COMPANY AND GAS SUPPLIERS

RBS Gas Utility, Inc. (Company) services the city of Red Boiling Springs, Tennessee, which is located in Macon County. The Company's corporate office, however, is in Prentiss, Mississippi. As a gas distributor it has approximately 225 customers and an annual sales volume of approximately 33, 000 Mcf.

The natural gas used to serve this area is provided through long-term contracts with a nonaffiliated third party that transports gas via the TETCO pipeline to the city gate.

VII. ACA FINDINGS

An ACA filing was submitted by the Company on April 3, 2001, covering the period March 1, 2000 to February 28, 2001. This filing reflected an over-collection of gas costs of \$28,359.74 as of February 28, 2001. The Staff's audit findings showed a net under-collection of gas costs in the amount of **\$3,628.58**. This audit adjustment results in a corrected ending balance as of **February 28, 2001 of \$24,731.16 in over-collected gas costs**. The exceptions noted are summarized below.

SUMMARY:

FINDING #1	The Company did not apply the correct	\$8,243.22 under-recovery
	ACA factor during several periods.	
FINDING #2	The beginning balance from the	
	prior audit was incorrectly recorded.	\$4,690.36 over-recovery
FINDING #3	The Company incorrectly stated the	<u>\$75.72</u> under-recovery
	interest on account balance.	

<u>Net Result</u>	<u>\$3,628.58</u> under-recovery
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FINDING #1:

Exception

The Company did not apply the Authority approved Purchased Gas Adjustment (PGA) factor as approved in PGA Filing # 00-00133.

Discussion

The Company used a PGA factor of \$0.3042 from the beginning of the audit period (March 1, 2000) through the October 2000 billing period. This was discovered by recalculating customer bills supplied to the Staff in connection with the audit. The above factor was amended in PGA Filing # 00-00133. The rate approved in that docket was \$0.9986 and was to take effect with the March 2000 billing period. The Company failed to apply the factor approved by the Authority in Docket No. 00-00133 for 245 days (March 2000 through October 2000).

As a result of the application of the incorrect PGA billing factor, the company under-collected \$8,243.22 in gas costs.

The associated accrued interest will be discussed in Finding # 3.

Company Response

RBS has implemented a new internal control procedure to ensure timely and proper implementation of future TRA approved amendments to PGA & ACA factors.

FINDING #2:**Exception**

The Company used the wrong beginning balance in its ACA filing.

Discussion

The company recorded \$2,345.18 in under-recovered gas costs as a beginning balance in its ACA filing. The correct beginning balance should have been \$2,345.18 in over-recovered gas costs. The Company has been cited for using the incorrect beginning balance in its prior ACA audit (Docket. No. 00-00279). In that docket the Company omitted the accrued interest in its beginning balance. The Company is supplied with the Staff's findings at the conclusion of every audit so that it may respond to the discrepancies contained in its filing before the final audit report is issued. This would suggest a lack of internal control within the Company.

The associated interest with this finding is discussed later in Finding # 3.

Company Response

In the future, RBS will correctly input ACA balances as given to the company by the Authority Staff.

FINDING #3:

Exception

The Company used an incorrect rate from March 2000 through September 2000 during the audit period to calculate the interest on the ACA balance.

Discussion

The company did not use the correct interest rates from March through September of the audit period. The interest rates used by the Company were misstated for seven months out of the audit period. The staff recalculated what the interest portion of the ACA would be if the correct interest rates were used and with all Staff recommended corrections. The total amount of interest to be accrued for the audit period was an under-recovery of \$178.69. The Company reported \$102.97 in under-recovered interest. The difference between the two amounts is \$75.72 in additional under-recovered interest.

The Company has been cited for not applying the correct interest factor in its prior three ACA audits (Docket No. 98-00441, No. 99-00403 and No. 00-00279). The Staff notifies the Company by letter every quarter containing the approved interest rates to be used in ACA calculations. The PGA Rule governing purchased gas adjustments requires that interest be accrued on gas costs (whether under or over recovered). This appears to be another example of poor internal control.

Company Response

RBS will take measures to ensure that the correct interest factors are used in the future. We have noted the deficiencies in our filing and internal control weaknesses and have implemented procedures to ensure future compliance.

VIII. CONCLUSIONS AND RECOMMENDATIONS

The Company reported the results of the activity in the Deferred Gas Cost account for the ACA year ended February 28, 2001, as a net over-collection of \$28,359.74. Due to the above findings, this balance was adjusted to a net \$24,731.16 in over-collected gas costs. In order to refund this amount over the next twelve months, Staff recommends the Company include a refund factor on its customers bills of negative **\$.7486 per Mcf (over-recovery)** starting with the **August 2001 billing period**. Except for the above findings, the Purchased Gas Adjustment mechanism, as calculated in the Actual Cost Adjustment, appears to be working properly and in accordance with the Tennessee Regulatory Authority's rules.

APPENDIX A

PGA FORMULA

The computation of the GCA can be broken down into the following formulas:

$$\text{Firm GCA} = \frac{D + \text{DACA}}{\text{SF}} - \text{DB} + \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

$$\text{Non-Firm GCA} = \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

where

GCA = The Gas Charge Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.

D = The sum of all fixed Gas Costs.

DACA = The demand portion of the ACA.

P = The sum of all commodity/gas charges.

T = The sum of all transportation charges.

SR = The sum of all FERC approved surcharges.

CACA = The commodity portion of the ACA.

DB = The per unit rate of demand costs or other fixed charges included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).

CB = The per unit rate of variable gas costs included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).

SF = Firm Sales.

ST = Total Sales.

The computation of the RA can be computed using the following formulas:

$$\text{Firm RA} = \frac{\text{DR1} - \text{DR2}}{\text{SFR}} + \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

$$\text{Non-Firm RA} = \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

where

- RA = The Refund Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.
- DR1 = Demand refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
- DR2 = A demand surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
- CR1 = Commodity refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
- CR2 = A commodity surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
- CR3 = The residual balance of an expired Refund Adjustment.

i =	Interest on the "Refund Due Customers" account, using the average monthly balances based on the beginning and ending monthly balances. The interest rates for each calendar quarter used to compute such interest shall be the arithmetic mean (to the nearest one-hundredth of one percent) of the prime rate value published in the "Federal Reserve Bulletin" or in the Federal Reserve's "Selected Interest Rates" for the 4th, 3rd, and 2nd months preceding the 1st month of the calendar quarter.
SFR =	Firm sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.
STR =	Total sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.